

Environmental Enforcement Initiative: A Progress Report

Status of Implementing Item #6 of
the Governor's Action Agenda for
the Environment

Protect California's Environment Through Tough Enforcement of Existing Laws

- Strict law enforcement
- Keep statutes and regulations simple
- Hold government accountable for environmental protection

Baseline Assessment

- Who does enforcement?
- How is enforcement organized?
- Where are our enforcement resources?
- How are they allocated?
- How is success measured?

Results

- Variety in enforcement programs, capabilities, and functions
- We have been measuring activity, not results
- Our focus has been on State efforts
- We need different data

Key Elements for Effective Enforcement

- Target enforcement resources on:
 - Highest environmental risk
 - Highest non-compliance
 - Chronic or recalcitrant violators

Key Elements for Effective Enforcement

- Enforcement that is fair and consistent
- Clear and enforceable rules and permits
- A connection between enforcement activities and compliance and environmental results

Key Elements for Effective Enforcement

- **Identify those outside the regulatory “net”**
 - Define universe of violators
 - Develop mechanisms to detect violations in the net
 - Complaints
 - Routine inspections
 - Targeted inspections/stings
- **Dynamic adaptation of net**
 - Making detection easier
 - Shifting resources, changing activities to maintain high deterrence

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graph TD; A((Cal/EPA Cross Media Enforcement)) --- B((Intelligence and Data Analysis Unit)); A --- C((Enforcement Administration)); A --- D((Enforcement Investigations));
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Intelligence and Data Analysis Unit

- EPIC- measuring & protecting environmental risks
- Measuring compliance rates
- Measuring results (not activities)
- Database (XML, IDEA, Env. Results, Performance tracking)

Cal/EPA Cross Media Enforcement

Enforcement Administration

- Collections
- Complaint tracking
- Training
- Communications Strategy
- Local Enforcement Delivery Performance

Enforcement Investigations

- Fraud
- Forensics Accounting
- Economics - Co Ben
- National Resource Damages
- Criminal Investigative Capabilities
- Prosecutors

5 Areas for Improvement

1. Modernize information management
2. Organize enforcement personnel to achieve compliance
3. Communicate and develop an enforcement culture
4. Increase field presence
5. Increase access to/use of prosecutorial outlets

First Step

- Cal/EPA Enforcement Initiative – Secretary Tamminen's Memo from Cal/EPA to BDO's – November 30, 2004
 - Selected improvements that can be administratively accomplished
 - Collaboration/sharing resources to allow tide to lift all boats

9 Enforcement Initiative Teams

- Single Complaint Tracking Team
- Enforcement Operations Plan Team
- Enforcement Intelligence Team
- Integrated Data Dictionary Team
- Environmental Data Exchange Team
- Geographical Information System Team
- Enforcement Training Team
- Enforceable Permits Team
- Enforcement Communications Team

Single Complaint Tracking System Team

Goal:

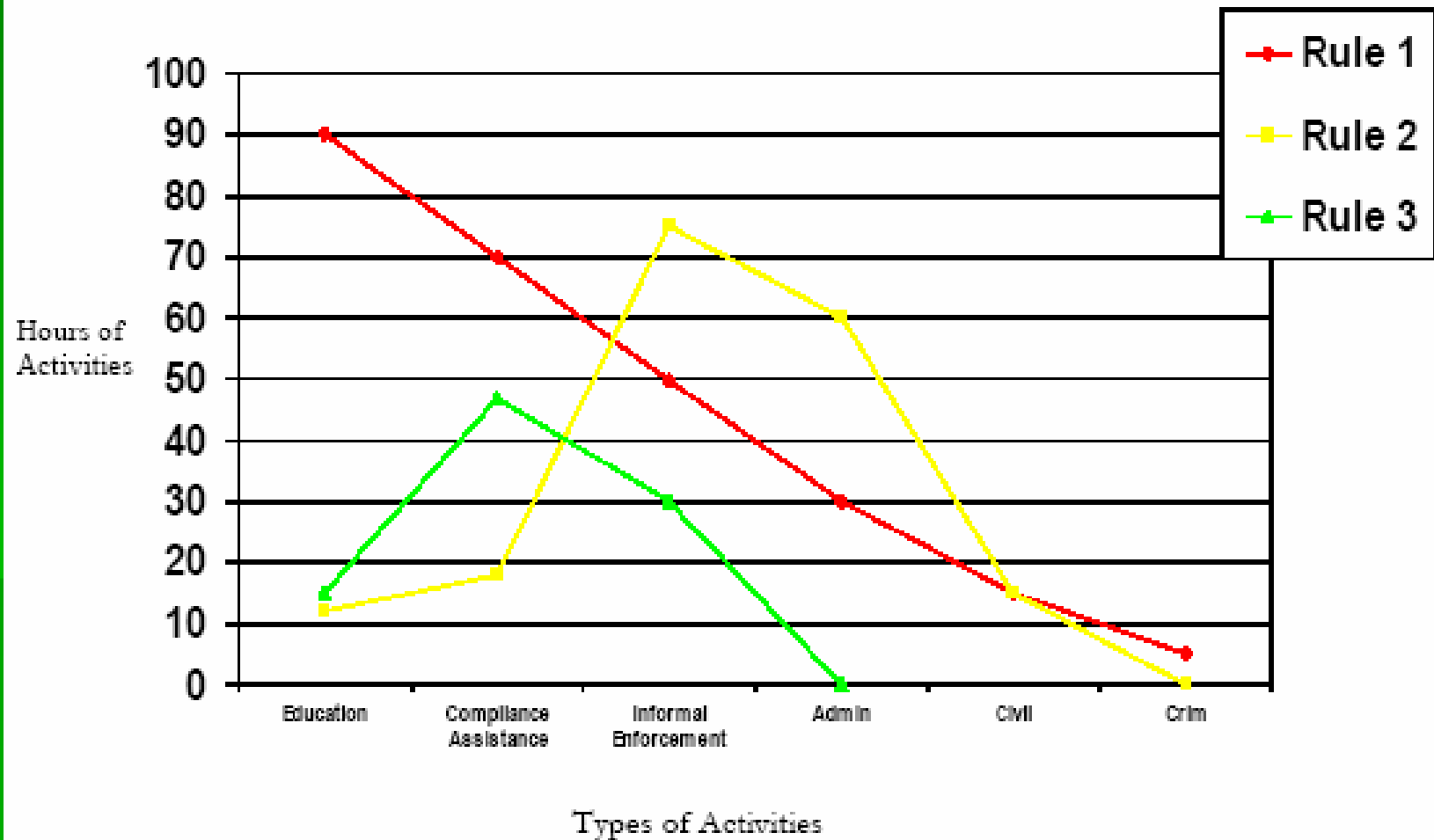
To create a Cal/EPA wide online common complaint reporting and tracking system

Enforcement Operations Plan Team

Goal:

Develop an enforcement program model plan to serve as a template for all Cal/EPA programs

Getting to Compliance - Enforcement Continuum



Enforcement Intelligence Team

Goals:

- Act as information conduit
- Identify sources of information
- Identify enforcement priorities
- Improve use of information, e.g., online data
- Develop information resources

Integrated Data Dictionary Team

Goal:

Reconcile data elements between programs (needed to allow exchange and comparison of data between programs)

Environmental Data Exchange Team

Goal:

To share data between the 60 plus data systems within Cal/EPA

Geographical Information System Team

Goal:

Consolidate GIS licensing agreements
(to reduce cost and improve access)

Enforcement Training Team

Goals:

- Develop Cal/EPA enforcement training strategies
- Improve delivery of training, esp. to regional locations

Enforceable Permits Team

Goal:

To identify permit barriers to enforcement; to improve clarity of what constitutes “compliance”.

Enforcement Communications Team

Goal:

Improve internal and external
communication about enforcement,
develop enforcement culture

Key Accomplishments

Enforcement Staffing

- Water Board
 - Recruiting for new chief of enforcement
 - Enforcement staff:
 - 17 positions in 2004
 - 55 positions in 2005
- Air Board
 - Over 10 positions to border and ports
- Waste Board
 - Illegal dumping unit
 - Fiduciary fraud unit

Targeted Enforcement

- DTSC continued unlicensed hazardous waste transporters "sting" operations
- Air Board conducted internet "stings" to catch engines sales
- DPR
 - Pesticides sales at retail and big box stores
 - Internet "stings" to catch unregistered pesticides

Referrals to Prosecutors

- Attorneys assigned to focus on criminal case development and working with prosecutors.
- Criminal referrals increased from 17 in 2004 to over 50 in 2005.

Enforcement Field Presence

- CUPAs established in Imperial and Trinity Counties

Team Highlights

- A new complaint tracking system unveiled January 11, 2006
- Pilot shared database system
- Centralized GIS contract
- On-line case development checklist and information resources
- Basic inspector training curriculum
- Regional training centers
- Monthly newsletter
- Cal/EPA branded clothing

Proposed Budget Highlights

- ARB: \$4.0 million and 19 positions
 - Heavy-duty diesel regulations
 - On-board diagnostic systems
 - Testing and diagnostic equipment replacement
- DTSC: \$1.5 million and 13.8 positions for electronic waste recycling enforcement
- Waste Board: \$223,000 and 2.9 positions to investigate fraud in the electronic waste program.
- DPR: \$425,000 and 3.8 positions for pesticide mill assessment audits

Enforcement Initiative – Phase 2

- Build on successes
- Continue teams – specific deliverables
- Enforcement Performance Measures Team

Goal of Enforcement

- Compliance
- Reducing risks to public and environment

Measured by

- Rates of compliance increasing
- Environment getting cleaner

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